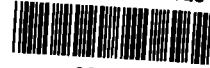




217/782-6761

Refer to: 2010300040 -- Winnebago County
Rockford/Smith Oil Company
ILD 053197547

EPA Region 5 Records Ctr.



355730

PRE-ENFORCEMENT CONFERENCE LETTER

Certified # P731918 339

August 9, 1985

Smith Oil Company
1102 Kilburn Avenue
Rockford, Illinois 61101

Dear Sir:

The Agency has previously informed Smith Oil Company of apparent violations of the Illinois Environmental Protection Act and/or rules and regulations adopted thereunder. These apparent violations are set forth in Attachment A of this letter.

As a result of these apparent violations, it is our intent to refer this matter to the Agency's legal staff for the preparation of a formal enforcement case. The Agency's legal staff will, in turn, refer this matter to the Office of Attorney General or to the United States Environmental Protection Agency for the filing of a formal complaint.

Prior to taking such action, however, you are requested to attend a Pre-Enforcement Conference to be held at Division of Land Pollution Control, 2200 Churchill Road, Springfield, Illinois. The purpose of this Conference will be:

1. To discuss the validity of the apparent violations noted by Agency staff, and
2. To arrive at a program to eliminate existing and/or future violations.

You should, therefore, bring such personnel and records to the conference as will enable a complete discussion of the above items. We have scheduled the Conference for August 29, 1985, at 10:00 a.m. If this arrangement is inconvenient, please contact Cindy Davis at 217/782-6761 to arrange for an alternative date and time.



Page 2

In addition, please be advised that this letter constitutes the notice required by Section 31(d) of the Illinois Environmental Protection Act prior to the filing of a formal complaint. The cited Section of the Illinois Environmental Protection Act requires the Agency to inform you of the charges which are to be alleged and offer you the opportunity to meet with appropriate officials within thirty days of this notice date in an effort to resolve such conflict which could lead to the filing of formal action.

Sincerely,

A handwritten signature in dark ink, appearing to read "Michael F. Nechvatal".

Michael F. Nechvatal, Manager
Compliance Monitoring Section
Division of Land Pollution Control

MFN:CSD:bv/1709E/33-34

Attachment

cc: Division File
Rockford Region
Steven Strauss
Andy Vollmer
Cindy Davis



Attachment A

1. Pursuant to 35 Ill. Adm. Code 725.212(a), by May 19, 1981, the owner or operator must have a written closure plan. A copy of the closure plan and all revisions must be kept at the facility until closure is completed and certified. The closure plan must include at least:
 - a. A description of how and when the facility will be partially closed, if applicable, and finally closed. The plan must identify how the requirements of Sections 725.211, 725.213, 725.214 and 725.215 and applicable requirements of 725.297, 725.328, 725.380, 725.410, 725.451, 725.481 and 725.504 will be met;
 - b. An estimate of the maximum inventory of wastes in storage and in treatment at any time during the life of the facility;
 - c. A description of the steps needed to decontaminate facility equipment during closure;
 - d. An estimate of the expected year of closure and a schedule for final closure;
 - e. A provision for closure certification by an independent registered professional engineer.

You are in apparent violation of 35 Ill. Adm. Code 725.212(a) for the following reason(s): you failed to submit a closure plan which meets the requirements of a, b, c, d and e above.

2. Pursuant to 35 Ill. Adm. Code 725.242(a), the owner or operator must prepare a written estimate, in current dollars, of the cost of closing the facility in accordance with the closure plan as specified in Section 725.212. You have failed to provide a closure cost estimate as required. The closure cost estimate must equal the cost of closure at the point in the facility's operating life when the extent and manner of its operation would make closure the most expensive, as indicated by its closure plan. You are in apparent violation of 35 Ill. Adm. Code 725.242(a) for the following reason(s): the Agency has not received the closure cost estimate.
3. Pursuant to 40 CFR 265.143 (as incorporated by reference in 35 Ill. Adm. Code 725.243), an owner or operator of each facility must establish financial assurance for closure of the facility. You have failed to provide adequate documentation demonstrating compliance with this section. You are in apparent violation of 35 Ill. Adm. Code 725.243 for the following reason(s): the Agency has not received the financial assurance documentation. Illinois standardized EPA forms with the required exact wording are enclosed for your submission.